

**SIXTY-SIXTH DAY**  
(Continued)

(Friday, May 11, 1951)

**After Recess**

The Senate met at 10:30 o'clock a. m. and was called to order by the President.

**Leaves of Absence**

Senator Tynan was granted leave of absence for today on account of important business on motion of Senator Martin.

Senator Parkhouse was granted leave of absence for today on account of illness on motion of Senator Bullock.

Senator Corbin was granted leave of absence for today on account of important business on motion of Senator Bell.

**Reports of Standing Committees**

By unanimous consent the following committee reports were submitted at this time.

Senator Ashley submitted the following reports:

Austin, Texas,  
May 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 38, have had the same under consideration and beg to recommend to the Senate that it do not pass, but that the committee substitute, attached hereto, do pass in lieu thereof and be ordered printed.

ASHLEY, Chairman

C. S. H. J. R. No. 38 was read first time.

Austin, Texas,  
May 11, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 27, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

ASHLEY, Chairman

Senator Hazlewood submitted the following report:

Austin, Texas,  
May 11, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 698, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman

Senator Phillips submitted the following reports:

Austin, Texas,  
May 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 780, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,  
May 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 216, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,  
May 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 97, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,  
May 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 454, have had same under consideration, and I am instructed to report it back to the Sen-

ate with the recommendation that it do pass, as amended, and be printed.

PHILLIPS, Chairman

Austin, Texas,  
May 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 94, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,  
May 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 10, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,  
May 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 371, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,  
May 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 322, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

#### Presentation of Guests

Senator Carney presented as guests of the Senate today Mrs. Gilbert Young and daughter, Lynn, of Atlanta, Texas, and Mrs. Eugene Stone and daughter, Martha Lee, Linden, Texas.

The guests were welcomed to the Senate and extended the privileges of the floor for today.

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
May 11, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 368, A bill to be entitled "An Act amending Acts of 1947, Fiftieth Legislature, page 550, Chapter 325, as amended, relating to Firemen's and Policemen's Civil Service in cities of 10,000 or more inhabitants by providing for emergency appointments of temporary members of Fire Departments; and declaring an emergency."

H. C. R. No. 125, Suspending the Joint Rules of the House and Senate in order for the House to consider H. J. R. No. 35.

H. B. No. 259, A bill to be entitled "An Act to amend Article 1061 of the Code of Criminal Procedure of the State of Texas, so as to provide increased fees for County and District Attorneys in certain cases tried in District or County Courts, or a County Court at Law, and declaring an emergency."

H. B. No. 260, A bill to be entitled "An Act to amend Article 1065 of the Code of Criminal Procedure of the State of Texas so as to provide increased fees for sheriff, or other peace officers performing the same service in misdemeanor cases, and declaring an emergency."

H. B. No. 261, A bill to be entitled "An Act to amend Article 1068 of the Code of Criminal Procedure of the State of Texas so as to provide increased fees for the Justice Court in pleas of guilty and declaring an emergency."

H. B. No. 262, A bill to be entitled "An Act to amend Article 1074 of the Code of Criminal Procedure of the State of Texas as amended by Acts 1929, 41st Legislature, page 496, Chapter 236, Section 1; and as amended Acts 1929, 41st Legislature, 1st C. S., page 156, Chapter 56, Section 1, so as to provide for increased trial fees in certain cases in County

Court or County Court at Law and Justice Courts and declaring an emergency."

H. B. No. 265, A bill to be entitled "An Act prescribing the minimum salaries that may be paid to county treasurers who are compensated on a salary basis in this State; providing the method of fixing salaries of county treasurers; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 271, A bill to be entitled "An Act requiring all officers, officials, departments, boards, bureaus, commissions, or other agencies of the State of Texas, except the Texas Department of Public Safety, having control of any passenger motor vehicles purchased with funds appropriated by the Legislature to transfer all such motor vehicles that have been operated sixty thousand (60,000) miles or more, regardless of where located, to the State Board of Control within thirty (30) days after the effective date of this act and on the first day of each month thereafter; providing that the Board of Control shall sell or dispose of such passenger motor vehicles after advertising the same for not less than three (3) times in a newspaper of general circulation in the county in which the motor vehicle or motor vehicles may be located; providing that if no newspaper is published in the county where any such motor vehicles may be located, notice of sale shall be given by posting such notice at three (3) public places within the county; providing for a determination of sales price of such motor vehicles and providing an exception; providing that all proceeds from such sales, less the cost of advertising the sale, shall be deposited in the State Treasury; requiring reports of sales; providing for a transfer of title and for issuance of certificates of title to purchasers; prohibiting the purchase of passenger motor vehicles with any funds appropriated by the Legislature, providing an exception and providing a penalty; providing a savings clause; repealing all laws or parts of laws in conflict with this Act and declaring an emergency."

H. B. No. 372, A bill to be entitled "An Act defining the liability for support and care of inmates of Texas State Hospitals and Special Schools; providing for an exception as to cer-

tain institutions; defining indigent and non-indigent patients and students; providing for a setting of rate for the care, support, and maintenance of inmates, where there is a liability to pay, etc.; and declaring an emergency."

H. B. No. 496, A bill to be entitled "An Act providing that in certain counties where the Attorney representing the State files and reads to prospective jurors in any capital felony case a written motion that the State will not seek the death penalty as punishment, the jurors shall then be examined, selected, empaneled and sworn as now provided by law in non-capital felony cases; providing the number of peremptory challenges shall remain at fifteen; providing that no juror shall be disqualified on account of conscientious scruples against the infliction of the death penalty; providing the court shall not be required to charge the jury that death may be inflicted; providing that certain Articles of the Code of Criminal Procedure, 1925, shall and shall not apply in certain instances; providing that all laws and parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only, and declaring an emergency."

H. B. No. 577, A bill to be entitled "An Act to amend Section 2a of Senate Bill 228, Chapter 66, Acts of the Fiftieth Legislature, Regular Session, 1947, so as to extend the provisions of said Senate Bill 228 authorizing the governing boards of the various State institutions of higher education to collect certain fees from students to cover the costs of student services for a period of five (5) years; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 590, A bill to be entitled "An Act amending Article 483 of the Penal Code of the State of Texas, 1925, relating to unlawfully carrying arms so as to provide that any person who shall carry on or about his person, saddle or in his saddlebags any device of any description designed for the purposes of offense or defense shall be punished by a fine of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) or by confinement in jail for not less than one (1) month nor more than one (1) year; and declaring an emergency."

H. B. No. 621, A bill to be entitled "An Act requiring Conservation and Reclamation Districts and other public districts and bodies politic, created for the purpose of conservation and development of the natural resources of this State, including the controlling, storing, preservation and distribution of its storm and floodwaters, the waters of its rivers and streams for irrigation, power and all other useful purposes under Section 52 of Article III, and Section 59 of Article XVI of the Constitution of Texas, before the commencement of construction of any works, to secure the written approval of their plans by the State Highway Engineer under certain conditions, and to make such provisions as may be acceptable to the State Highway Engineer to finance the relocation and construction, or make such alterations or revisions of affected highways as may be necessary to preserve the integrity and usefulness of such highways; repealing all laws or parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency."

H. B. No. 350, A bill to be entitled "An Act amending Section 4 of Article III of House Bill 8, Chapter 495, Acts of the Forty-fourth Legislature, Third Called Session, 1936, by adding a new subsection thereto to be known as subsection 13a, so as to authorize cities and counties levying an occupation tax on coin-operated machines to seal any machine on which the tax has not been paid; making it unlawful for any person to break said seal or exhibit, display or remove from location any machine after said seal has been broken; authorizing a fee for the release of any coin-operated machine sealed for nonpayment of tax; providing penalties; and declaring an emergency."

H. B. No. 575, A bill to be entitled "An Act making it unlawful to remove, alter, deface, cover or destroy the manufacturers' serial number or other manufacturers' number or other distinguishing identification mark upon any tractor or farm implement; prescribing penalties for violation of this Act; and declaring an emergency."

H. C. R. No. 108, Requesting the Board for Texas State Hospitals and Special Schools to take the necessary steps to meet the minimum standards required in order to qualify the said

hospitals and special schools operated by the State of Texas to the necessary standards for residency, intern and nurses training programs so that the patients of the said hospitals and special schools be given the highest type of medical care and treatment possible.

H. B. No. 624, A bill to be entitled "An Act to provide for the annexation by cities of territory within one or more levee improvement districts; providing for the assumption of bonded indebtedness or the financial obligations of such district or districts; authorizing such cities and districts to enter into contracts respecting the assumption of rights, duties, obligations, debts, and liabilities of such district; authorizing such cities to issue refunding bonds for the purpose of refunding obligations of such districts; and providing for the assumption of bonded indebtedness of newly incorporated cities whose territory includes all or any part of a levee or improvement district; reciting a saving clause and declaring an emergency."

H. C. R. No. 122, Authorizing and instructing the Enrolling Clerk of the House to make certain changes in the Conference Committee report on House Bill No. 426.

H. B. No. 382, A bill to be entitled "An Act providing for the deportation of aliens; providing for authorization for the Board for Texas State Hospitals and Special Schools to enter into reciprocal agreements with other States; providing for a determination of residence; providing for the payment of the expense of return of non-residents; and declaring an emergency."

H. B. No. 434, A bill to be entitled "An Act defining a bomb; providing a penalty for any person manufacturing, owning or possessing a bomb or component parts of same, for any person using a bomb to commit a crime or for intimidating of others, for any person contaminating water, air or food supply, for any person attaching a bomb to any object where the use will cause a damaging detonation, for any person purveying the component parts of a bomb, for any person aiding or conspiring in the planting of a bomb; providing for certain exemptions; providing for the procedure in obtaining and executing search warrants; providing for this Act to be

cumulative of all other existing laws relating to bombs or explosives; providing a savings clause and declaring an emergency."

H. C. R. No. 120, Be it resolved by the House of Representatives, the Senate concurring, that the Joint Rules of the House and Senate be suspended so that the House may take up and consider House Bill No. 151 at any time.

H. C. R. No. 126, Be it resolved by the House of Representatives, the Senate concurring, that the Joint Rules of the House and Senate be suspended so that the House may take up and consider Senate Bill No. 418 at any time.

The House has adopted the Conference Committee report on House Bill No. 426 by a vote of 72 yeas, 61 nays and 1 present not voting.

Motion to reconsider the vote by which Conference Committee report was adopted and to table the motion to reconsider prevailed by a vote of 73 yeas and 61 nays and 1 present not voting.

S. C. R. No. 58, Requesting the return of Senate Bill No. 78 by the Governor to the Senate for corrections.

The House has adopted the Conference Committee report on House Bill No. 311 by a vote of 124 yeas, 4 nays.

The House has concurred in Senate amendments to House Bill No. 647 by vote of 120 yeas, 0 nays.

The House has adopted the Conference Committee report on House Bill No. 312 by a vote of 116 yeas, 0 nays.

The House has adopted the Conference Committee report on Senate Bill No. 396 by a vote of 123 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 737 by vote of 119 yeas, 0 nays.

Motion to reconsider vote by which House refused to concur in Senate amendments to H. B. No. 52, prevailed.

The House has concurred in Senate amendments to House Bill No. 52 by viva voce vote.

S. C. R. No. 59, Instructing Enrolling Clerk of House to correct

caption of H. B. No. 433 to conform to body of the bill.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Concurrent Resolution 60

Senator Ashley offered the following resolution:

S. C. R. No. 60, Providing for storage space for certain records of the State Comptroller.

Whereas, The space in the basement of the Capitol allotted to the Comptroller for storage and for filing records is filled to capacity, and likewise the space in the Dairy Barn immediately off the Dallas Highway in North Austin set aside for the Comptroller for storage is filled; and

Whereas, It is his desire to use his Maintenance, Miscellaneous and Repair Appropriation made to him by the Fifty-first Legislature to provide storage and filing space by the erection of a Quonset hut, or some similar edifice, attached or adjacent to the Dairy Barn immediately off the Dallas Highway in North Austin; and

Whereas, The Board of Hospitals and Special Schools, at a regular meeting by minute duly entered in its record, has granted permission for the Comptroller to erect such edifice on the property now under said Board's control; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the Comptroller be authorized to construct, erect, or assemble a Quonset hut, or similar edifice, for preserving, filing, and storing the records of that Department; and, be it further

Resolved, That the Board of Hospitals and Special Schools be authorized and directed to provide the necessary land for the erection of this edifice, and that the Board of Control be and is hereby directed to make such purchases and perform the things necessary for the construction, erection, or assembling of this building, making it as nearly fire-proof as practicable.

The resolution was read.

On motion of Senator Ashley, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Bill Recommitted

On motion of Senator Hardeman, and by unanimous consent, H. B. No.

334 was recommitted to the Committee on State Highways and Motor Traffic.

#### Senate Resolution 230

Senator Strauss offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 17 Seventh and Eighth Grade students of the Wallis Public School with their teacher, Miss Gertrude Niebuhr, and sponsors, Mr. and Mrs. Lidge Hranicky, Mr. and Mrs. John Sklar, Jr., Mr. and Mrs. Clarence Cooper and Miss Rosalie Niver; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

#### Senate Resolution 231

Senator Kelly of Tarrant offered the following resolution:

Whereas, Forty-five years ago James M. North came to Fort Worth, fresh from the University of Texas, to become a newspaperman as a cub reporter at the wage of \$10 a week and in two years became probably the youngest managing editor in the country of the old Fort Worth Star; and

Whereas, Through those forty-five years he worked together with Amon G. Carter on the Star and then the Star-Telegram after the old Star and Telegram were merged in 1909; and

Whereas, From his days as a cub reporter James M. North has risen in his profession to the distinguished position of editor of the Fort Worth Star-Telegram; and

Whereas, The Exchange Club of Fort Worth has honored the long service to the people and to the good of the public of James M. North; and

Whereas, In presenting this honor James M. North was properly described in such words of J. B. Thomas as these: "Only a few men in a generation can be real leaders. Only one man in a million can do these things both quietly and efficiently, and without pomp and fanfare. Such a man we honor," and

Whereas, James M. North was recognized as a benefactor of his fel-

low man as a newspaperman, as a citizen of Fort Worth who has given much of his time to community service, as a livestock man, and as an influence for good in his chosen profession, and

Whereas, All of the accomplishments and contributions of his lifetime were recognized and honored by the Exchange Club of Fort Worth in its award to him which added his name to the "Book of Golden Deeds" as the 1950 winner of the Golden Deeds Award of Fort Worth; now, therefore be it

Resolved, By the Senate of Texas, that James M. North be congratulated by the Senate of the State of Texas upon receiving this signal and deserved honor in proper recognition of his many worthy contributions to the cause of a better life for all of the people, that this tribute be added to that awarded him by the Exchange Club of Fort Worth, and that this resolution be sent to him and to one who has aided him through the years in his worthwhile endeavors, Mrs. James M. North.

The resolution was read and was adopted.

#### House Bills and Resolution on First Reading

The following bills and resolution, received from the House, were read first time and were referred to the committees indicated:

H. B. No. 259—To Committee on Criminal Jurisprudence.

H. B. No. 260—To Committee on Criminal Jurisprudence.

H. B. No. 261—To Committee on Criminal Jurisprudence.

H. B. No. 262—To Committee on Criminal Jurisprudence.

H. B. No. 265—To Committee on Counties and County Boundaries.

H. B. No. 271—To Committee on State Affairs.

H. B. No. 350—To Committee on Criminal Jurisprudence.

H. B. No. 372—To Committee on State Affairs.

H. B. No. 496—To Committee on Criminal Jurisprudence.

H. B. No. 575—To Committee on Criminal Jurisprudence.

H. B. No. 577—To Committee on Educational Affairs.

H. B. No. 590—To Committee on Criminal Jurisprudence.

H. B. No. 621—To Committee on Water Rights, Irrigation and Drainage.

H. B. No. 624—To Committee on State Affairs.

H. C. R. No. 108—To Committee on Educational Affairs.

#### Senate Bill 311 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 311, A bill to be entitled "An Act making an emergency appropriation to the State Board of Water Engineers for the purpose of paying rent on a Soils Testing Laboratory to supplement the rent appropriation rendered insufficient by the payment of rents on such laboratory and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 311 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 311 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carter	Nokes
Colson	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert

Absent

Carney

Kelley of Hidalgo

#### Absent—Excused

Corbin	Tynan
Parkhouse	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carter	Nokes
Colson	Phillips
Fuller	Russell
Hardeman	Strauss
Hazlewood	Vick
Hudson	Wagonseller
Kelley of Hidalgo	Weinert
Lane	

Absent

Carney	Shofner
Kelly of Tarrant	

#### Absent—Excused

Corbin	Tynan
Parkhouse	

#### Senate Resolution 232

Senator Bullock offered the following resolution:

Whereas, We are honored to have in the Capitol today a group of students from the Lueders High School, Lueders, Texas, accompanied by Superintendent W. T. Denham and Mrs. Denham, Mrs. Ed Patten and Mrs. George Keesee; now therefore, be it Resolved, That we welcome this group to the Capitol and that they be extended the privilege of the floor for the day.

The resolution was read and was adopted.

#### Bill Recommitted

On motion of Senator Wagonseller, and by unanimous consent H. B. No. 325 was recommitted to the Committee on State Affairs.

#### House Joint Resolution 37 on Second Reading

On motion of Senator Lock, and by unanimous consent, the regular order

of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 37, Proposing an amendment to Article VII of the Constitution of the State of Texas by adding a new section after Section 11 thereof to be designated as Section 11a, providing for the investment of the Permanent University Fund in additional bonds, debentures, and corporate securities to those now enumerated in Section 11 of Article VII of the Constitution of the State of Texas.

The resolution was read second time and passed to third reading.

#### House Joint Resolution 37 on Third Reading

Senator Lock moved that the constitutional rule requiring resolutions to be read on three several days be suspended and that H. J. R. No. 37 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carter	Nokes
Colson	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

Absent

Carney

Absent—Excused

Corbin	Tynan
Parkhouse	

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—27

Aikin	Bullock
Ashley	Carter
Bell	Colson
Bracewell	Fuller

Hardeman	Moore
Hazlewood	Nokes
Hudson	Phillips
Kelley of Hidalgo	Russell
Kelly of Tarrant	Shofner
Lane	Strauss
Lock	Vick
Martin	Wagonseller
McDonald	Weinert
Moffett	

Absent

Carney

Absent—Excused

Corbin	Tynan
Parkhouse	

#### House Bill 322 on Second Reading

On motion of Senator Phillips, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 322, A bill to be entitled "An Act providing the method for expenditure of funds appropriated to State departments, boards, bureaus, commissions, and other agencies; authorizing the heads of State departments and the governing bodies of boards, bureaus, commissions and other agencies to designate an official or officer to approve and execute vouchers; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 322 on Third Reading

Senator Phillips moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 322 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Carter	Moore
Colson	Nokes
Fuller	Phillips
Hardeman	Russell
Hazlewood	Shofner
Hudson	Strauss
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert

## Absent

Bell Carney  
Absent—Excused  
Corbin Tynan  
Parkhouse

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Senate Resolution 233

Senator Shofner offered the following resolution:

Whereas, We are honored today to have in the gallery the Seventh Grade of the Troy Elementary School of Troy, Texas, accompanied by their teacher, Miss Elizabeth Quine; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

## Motion To Place House Bill 173 on Second Reading

Senator Carter asked unanimous consent to suspend the regular order of business and that H. B. No. 173 be laid out for consideration at this time.

There was objection.

Senator Carter then moved to suspend the regular order of business and that H. B. No. 173 be laid out for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the members present):

## Yeas—17

Bell Moffett  
Bracewell Moore  
Carter Phillips  
Fuller Russell  
Hazlewood Shofner  
Kelley of Hidalgo Strauss  
Kelly of Tarrant Vick  
Lock Wagonseller  
Martin

## Nays—10

Aikin Hudson  
Ashley Lane  
Bullock McDonald  
Colson Nokes  
Hardeman Weinert

## Absent

Carney

## Absent—Excused

Corbin Tynan  
Parkhouse

## Senate Bill 407 on Second Reading

Senator Vick asked unanimous consent to suspend the regular order of business and that S. B. No. 407 be laid out for consideration at this time.

There was objection.

Senator Vick then moved to suspend the regular order of business and that S. B. No. 407 be laid out for consideration at this time.

The motion prevailed by the following vote:

## Yeas—24

Aikin Kelly of Tarrant  
Ashley Lane  
Bell Lock  
Bracewell Martin  
Bullock McDonald  
Carter Moffett  
Colson Phillips  
Fuller Shofner  
Hardeman Strauss  
Hazlewood Vick  
Hudson Wagonseller  
Kelley of Hidalgo Weinert

## Nays—1

Nokes

## Absent

Carney Russell  
Moore

## Absent—Excused

Corbin Tynan  
Parkhouse

The President laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 407, A bill to be entitled "An Act amending Article 2978 of the Revised Civil Statutes of Texas, 1925, prescribing the requirements of the official ballot which shall be used in all elections by the people, and pro-

viding that the name of no person shall appear as a candidate for more than one office except as a candidate for two or more offices permitted by the Constitution to be held by the same person; repealing all laws or parts of laws in conflict with this Act to the extent of the conflict only; and declaring an emergency."

The bill was read second time.

Senator Bracewell offered the following amendment to the bill:

Amend Senate Bill No. 407 by adding at the end of Article 2978, contained in Section 1 of such bill, the following:

"Article 3110, Revised Civil Statutes of Texas, of 1925, as amended, is repealed hereby. No ballot in a primary election of any party shall have printed, stamped, written or impressed upon it any words which would require or elicit or seek or tend to require or elicit a pledge or promise from any voter to support or vote for any person or candidate in the general election."

Senator Nokes raised the point of order that the amendment was not germane to the caption of the bill.

The President sustained the point of order.

The bill was passed to engrossment.

#### Motion To Place Senate Bill 407 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 407 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the members present):

#### Yeas—19

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Russell
Carter	Shofner
Hardeman	Strauss
Hazlewood	Vick
Hudson	Wagonseller
Kelly of Tarrant	Weinert
Lane	

#### Nays—7

Bullock	Fuller
Carney	Kelley of Hidalgo

Moffett	Phillips
Nokes	

Absent

Colson	Moore
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Absent—Excused

Corbin	Tynan
Parkhouse	

#### House Bill 309 on Second Reading

On motion of Senator Bracewell, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 309, A bill to be entitled "An Act giving to lawful holders of bonds issued under the Act of April 8, 1861, which bonds are sometimes called Texian Loan of One Million Dollars (\$1,000,000), consent of the Legislature to sue the State of Texas, the Comptroller of Public Accounts, and the State Treasurer for moneys due on said bonds and principal and interest thereon; providing for the bringing of suit and appeal; providing for service of citation; providing a saving clause; providing nothing shall be construed as tolling the Statute of Limitation on such cause, and nothing shall be construed as admission of liability on the part of the State; and declaring an emergency."

The bill was read second time.

Senator Bracewell offered the following amendment to the bill:

Amend House Bill 309 by striking out the period (.) at the end of Section 1 and adding the following: "prorated to the extent only of the amount heretofore reimbursed to the State of Texas by the United States government for the principal and interest on said bonds."

The amendment was adopted.

On motion of Senator Bracewell, and by unanimous consent the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to third reading.

#### Motion To Place House Bill 309 on Third Reading

Senator Bracewell moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and that H. B. No. 309 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the members present):

**Yeas—18**

Bell	Moore
Bracewell	Nokes
Bullock	Phillips
Carney	Russell
Carter	Shofner
Colson	Strauss
Fuller	Vick
Kelley of Hidalgo	Wagonseller
Lock	Weinert

**Nays—6**

Aikin	Lane
Hardeman	Martin
Hudson	Moffett

**Absent**

Ashley	Kelly of Tarrant
Hazlewood	McDonald

**Absent—Excused**

Corbin	Tynan
Parkhouse	

**House Concurrent Resolution 122**

The President laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 122, Authorizing and instructing the Enrolling Clerk of the House to make certain changes in the Conference Committee report on H. B. No. 426.

The resolution was read.

On motion of Senator Carney, and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 94**

The President laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 94, Providing that the presiding officers of both Houses be instructed to remove their signatures from H. B. 58, and that the original bill be returned to the Senate for further consideration.

The resolution was read.

On motion of Senator Wagonseller, and by unanimous consent the resolu-

tion was considered immediately and was adopted.

**House Bills on First Reading**

The following bills received from the House were read first time and were referred to the committees indicated:

H. B. No. 434—To the Committee on Criminal Jurisprudence.

H. B. No. 382—To the Committee on State Affairs.

**Bills and Resolutions Signed**

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H. C. R. No. 40, Providing for the appointment of an interim committee for a study of the revision of Corporation Laws.

H. C. R. No. 100, Suspending the Joint Rules so as to consider House Bill No. 527.

H. C. R. No. 103, Instructing the officers of the House and Senate to remove their signatures from House Bills Nos. 74, 387, and 679.

H. C. R. No. 106, Instructing the officers of the House and Senate to remove their signatures from House Bill No. 207.

H. C. R. No. 116, Suspending the Joint Rules so that either House may take up and consider at any time the following bills: H. B. No. 794 and H. B. No. 795.

H. B. No. 148, A bill to be entitled "An Act amending Sections 3, 6, and 7 of Senate Bill 54, Chapter 38, Acts of the Forty-ninth Legislature, Regular Session, 1945, and amending said Senate Bill 54 by adding thereto a new section to be known as Section 6a, providing for vacations and minimum hours of work of firemen and policemen in certain cities; providing for exchange of hours; and declaring an emergency."

H. B. No. 185, A bill to be entitled "An Act authorizing counties having a population of not less than 28,000 and not more than 28,200 inhabitants, according to the last preceding Federal census, to expend monies for the purpose of maintenance and upkeep of the public cemeteries; and declaring an emergency."

H. B. No. 257, A bill to be entitled "An Act amending Chapter 5, Title 17 of the Penal Code of the State of Texas, 1925, by adding a new article thereto to be known as Article 1404a; providing that any person who shall break and enter a vehicle for the purpose of committing a felony or theft shall be confined in the State penitentiary for not less than two (2) years nor more than five (5) years; defining "vehicle" and "breaking"; and declaring an emergency."

H. B. No. 280, A bill to be entitled "An Act defining an 'air rifle' or 'air pistol' and prohibiting the shooting of an air rifle or air pistol within the corporate limits of any incorporated city of this State or on, along or across any public road or street in this State; providing a penalty for violation of this Act; and declaring an emergency."

H. B. No. 422, A bill to be entitled "An Act to amend Article 692, Title 20, Chapter 7, Revised Civil Statutes of Texas, 1925; providing that the Board for Texas State Hospitals and Special Schools is authorized to require the superintendent of each institution under its control and management to enter into a bond conditioned for the faithful performance of his duties; and declaring an emergency."

H. B. No. 486, A bill to be entitled "An Act amending Article 1934a-13 of the Revised Civil Statutes of Texas of 1925, an Act passed by the Fifty-first Legislature, Regular Session, 1949, relating to the appointment and salary of stenographers or secretaries for County Judges in certain counties in Texas, and declaring an emergency."

H. B. No. 648, A bill to be entitled "An Act amending Chapter 352, Acts, Regular Session, 50th Legislature, page 697, by adding a new section to be known as Section 9a, providing that any retired employee as a member of any group insurance may have his premiums paid by authorizing in writing that same be deducted from his retirement allowances; and declaring an emergency."

H. B. No. 714, A bill to be entitled "An Act providing that it shall be unlawful for any person to place, set, use or drag any seine, net or other device for catching fish other than the ordinary pole and line, casting

rod and reel, artificial bait and other bait, trotline, set line, or cast net, for catching fish in Waller and Austin Counties; further providing that no bait may be removed from streams of Austin, Colorado, and Waller counties for commercial sales; providing a penalty for violation of above restrictions; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 738, A bill to be entitled "An Act amending Section 1 of House Bill No. 1035, Chapter 304, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, regulating the hunting and killing of quail in Wood County so as to provide an open season for killing quail; and declaring an emergency."

H. B. No. 742, A bill to be entitled "An Act validating the acquisition of certain real estate by the commissioners of any drainage district in this State or by the commissioners' court for the benefit of said district; validating the subsequent sale or other disposition of any of such real estate; authorizing the sale of such real estate under certain conditions; repealing all laws or parts of laws in conflict with this act; etc., and declaring an emergency."

H. B. No. 745, A bill to be entitled "An Act to repeal Section 4 of House Bill No. 110, Chapter 281, General and Special Laws of the 49th Legislature, Regular Session, 1945, relating to the appointment of receivers for certain mineral interests in land owned by non-resident and unknown owners, and creating an emergency."

H. B. No. 750, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools or its successor in function to sell and convey two tracts of land portions of Rusk State Hospital in Cherokee County; providing for the terms and manner of sale; and declaring an emergency."

H. B. No. 756, A bill to be entitled "An Act regulating the taking and killing of squirrels in Fayette County, providing an open season for the taking or killing of squirrels; limiting the number of squirrels that may be taken in any one day and limiting the number of squirrels that any person may have in possession at any time; fixing penalties for the violation of this act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 757, A bill to be entitled "An Act providing an open season for the taking and killing of javelina in Live Oak County; providing for exemption of the J. Frank Dobie Game Preserve; and declaring an emergency."

H. B. No. 767, A bill to be entitled "An Act providing for and authorizing the appointment of official shorthand reporters for the County Courts of Texas; fixing the compensation of the reporters; authorizing the County Judge of said Counties to appoint such reporter; and declaring an emergency."

H. B. No. 768, A bill to be entitled "An Act repealing House Bill 85, Chapter 25, Acts of the Forty-eighth Legislature, Regular Session, 1943, relating to taking and possessing bullfrogs in Fayette County; and declaring an emergency."

H. B. No. 773, A bill to be entitled "An Act applicable to the County of Fayette, State of Texas, prohibiting the transportation of minnows taken in said County beyond the borders of said County for the purpose of sale; limiting the number of minnows to be transported beyond the borders of said County; providing penalties for any violation of this Act; and declaring an emergency."

H. B. No. 207, A bill to be entitled "An Act authorizing the Commissioners' Courts of certain counties to create and establish safety zones on county roads; authorizing regulations relative to operation of motor vehicles; providing for the regulation of stopping, standing, or parking; providing penalties for violation of the provisions of this Act; providing a savings clause; and declaring an emergency."

H. B. No. 74, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to reinstate sales of land in Callahan County forfeited prior to September 1, 1945, and on which applications have been filed for reinstatement prior to April 15, 1952, and on which there are no intervening rights of a third person; providing that payment of all principal and interest shall be made prior to reinstatement and declaring an emergency."

H. B. No. 387, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to reinstate sales of lands in Terrell

County heretofore sold and forfeited prior to September 1, 1945, and on which applications for reinstatement and payment of delinquent interest has been made to the General Land Office prior to March 5, 1951, and on which there are no intervening rights of third persons, and declaring an emergency."

H. B. No. 679, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to reinstate sales of land in Howard County forfeited prior to September 1, 1945, and on which applications have been filed for reinstatement prior to March 15, 1951, and on which there are no intervening rights of a third person; providing that payment of all interest shall be made prior to March 15, 1951; and declaring an emergency."

#### Reports of Standing Committees

By unanimous consent the following reports were submitted at this time:

Senator Bracewell submitted the following report:

Austin, Texas,  
May 11, 1951.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 350, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRACEWELL, Chairman.

Senator Hudson submitted the following report:

Austin, Texas,  
May 11, 1951.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Oil, Gas and Conservation to whom was referred House Bill number 638, have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass as amended and be printed.

HUDSON, Chairman.

Senator Carter submitted the following report:

Austin, Texas,  
May 11, 1951.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Coun-

ties and County Boundaries, to whom was referred H. B. No. 265, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARTER, Chairman.

#### Messages from the Governor

The President laid before the Senate and directed the Secretary to read the following messages received from the Governor today:

Austin, Texas,  
May 11, 1951.

To the Members of the Fifty-second Legislature:

I am vetoing and returning herewith Senate Bill No. 199 because same is contrary to Section 56, Article III of the Constitution of the State of Texas. I have referred this proposed legislation to the Attorney General of Texas and in an opinion dated May 4, 1951, he has stated that Senate Bill 199 does contravene above section of the Constitution.

I am also vetoing and returning herewith Senate Bill 302 and Senate Bill 380 because they also contravene Section 56, Article III of the Constitution. In opinions dated May 8, 1951, I am advised by the Attorney General that these bills are contrary to the above section of the Constitution of Texas.

Respectfully submitted,  
ALLAN SHIVERS,  
Governor of Texas.

The following message, received from the Governor, was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,  
May 10, 1951.

To the Senate of the Fifty-Second Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Pilot Commissioners for Galveston-Texas City for two year terms to expire April 15, 1953:

Ray C. Rich of Texas City, Galveston County;

Anthony Stjepceovich of Galveston, Galveston County;

Robert I. Cohen, III, of Galveston, Galveston County;

Randolph Pierson of Galveston, Galveston County;

W. P. Tarpey, Jr., of Texas City, Galveston County.

To be Rio Grande Compact Commissioner for two year term to expire July 16, 1953:

Louis A. Scott of El Paso, El Paso County.

To be Pilot Commissioners for Sabine Bar, Pass and Tributaries for two year terms to expire June 15, 1953:

T. T. Hunt of Beaumont, Jefferson County;

A. M. Phelan of Beaumont, Jefferson County;

Neal D. Rader of Port Arthur, Jefferson County;

Mack A. Pond of Port Arthur, Jefferson County;

Howard A. Peterson of Orange, Orange County.

Respectfully submitted,  
ALLAN SHIVERS,  
Governor of Texas.

#### Adjournment

On motion of Senator Weinert, the Senate at 12:05 o'clock p. m., adjourned until 10:30 o'clock a. m. on Monday, May 14, 1951.

#### Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

**In Memory of**  
**Dr. J. C. Erwin, Sr.**

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Senator Russell offered the following resolution:

(Senate Concurrent Resolution 61)

Whereas, On Saturday, May 5, 1951, God in His Infinite Wisdom called from our midst the beloved Doctor J. C. Erwin, Sr., in the 93rd year of his life, and

Whereas, This distinguished physician was born September 25, 1857, near Charlotte, N. C., and was the oldest living alumnus of the Louisville, Ky., Medical School; was graduated from Bingham Military Academy in Ashville, N. C., and was professor of anatomy at the Louisville school following his graduation; and came to Collin County, Texas, in 1885; and

Whereas, Dr. Erwin practiced medicine for sixty-five years, being at the same time friend, advisor, and counselor to thousands, and

Whereas, He headed the Good Roads Association; was active through the years in the affairs of the First Presbyterian Church; a member of the Collin County, State, and American Medical Societies; the Knights of Pythias; and Chairman of the board of directors of the Collin County National Bank; and

Whereas, He is survived by two sons, Dr. J. C. Erwin, Jr., of McKinney, and T. Wilson Erwin of Waco; and two daughters, Mrs. Boude Storey of Dallas, and Mrs. E. M. Munroe of McKinney; and one brother, Mr. T. W. Erwin of Sherman; now, therefore, be it

Resolved, That the members of the Senate of the State of Texas express our sorrow over the passing of this beloved citizen; that a page in the Journal be set aside to his memory; and that when the Senate adjourns today, it do so in tribute to the memory of Doctor J. C. Erwin, Sr., and that a copy of this resolution be mailed to his survivors.

RUSSELL

The resolution was read.

On motion of Senator Russell and by unanimous consent, the resolution was considered immediately and was adopted.